The Report Committee for Jennifer Theresa Schmalz
Certifies that this is the approved version of the following report:

A Lasting Solution: Examining the Need for Reform in the U.S. Refugee Resettlement Program

APPROVED BY
SUPERVISING COMMITTEE:

Peter Ward, Supervisor

Angela Evans, Co-Supervisor

Dnika Travis

A Lasting Solution: Examining the Need for Reform in the U.S. Refugee Resettlement Program

by

Jennifer Theresa Schmalz, B.A.

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Dedication

I dedicate this report to Sekou, Mariam, Ruth and the children of Glendale, who generously shared their struggles and triumphs with me. Their perseverance taught me about the plight of refugees and continues to inspire me.

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I would like to acknowledge all my readers for their generosity of time and wisdom. I am particularly grateful to Professor Evans, who showed enormous patience and compassion during this journey.

A Lasting Solution: Examining the Need for Reform in the U.S. Refugee Resettlement Program

Jennifer Schmalz, M.P.Aff.; M.S.S.W.

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Supervisor: Peter Ward

Co-Supervisor: Angela Evans

In the wake of massive displacement following World War II, the U.S. Congress passed the first U.S. refugee legislation, the Displaced Persons Act of 1948. In the years following 1948, the U.S. accepted refugees for resettlement through a patchwork of ad hoc policies. The cornerstone of the U.S. refugee resettlement program is the Refugee Act of 1980, the first legislation to define "refugee" and create a uniform procedure for admissions.

Three agencies in separate federal agencies process participate in the resettlement program: the Bureau of Population, Refugees and Migration in the State Department, the Office of Refugee Resettlement in the Department of Health and Human Services, and U.S. Citizenship and Immigration Services in the Department of Homeland Security. Refugee resettlement is further segmented between the federal and local level as local nonprofit agencies provide the direct services associated with resettlement.

This report examines the need for reform in the U.S. refugee resettlement program, with a focus on structural concerns. In particular, this report probes the transition from programs providing services overseas to those providing services on the domestic level. This examination is conducted through a literature review developed from recent academic literature. Additionally, the report will incorporate program evaluations,

relevant legislation, and regulations from mixed sources, including academic literature, governmental documents and other public records.

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Chapter 1: Introduction

"A lasting solution, the possibility to begin a new life, is the only dignified solution for the refugee himself."

-- Paul Hartling, UN High Commissioner for Refugees, 1978-1985

The Refugee Act of 1980 created the U.S. refugee resettlement program and established a standardized process for admitting refugees to the U.S. Prior to 1980, a patchwork of ad hoc policies governed admissions. During 2010, the 30-year anniversary of this landmark legislation, policymakers and stakeholders displayed renewed interest in refugee resettlement. In addition to the visibility provided by the anniversary, a chain of current events sparked public dialogue about refugee issues. These events included continued security concerns,[1] persecution based on sexual orientation,[2] the Iraqi refugee crisis,[3] strained economic resources,[4] and the Department of State's discovery of widespread fraud in refugee applications for family reunification.[5]

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[1] Donald Kerwin, "The Use and Misuse of 'National Security' Rationale in Crafting U.S. Refugee and Immigration Policies," *International Journal of Refugee Law* 17 (2005): 749.

[2] United Nations High Commissioner for Refugees, "UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity," UNHCR, http://www.justice.gov/eoir/vll/benchbook/resources/UNHCR_Guidelines_Sexual_Orientation.pdf (accessed January 15, 2011).

[3] Shani Adess, et al.,"Refugee Crisis in America: Iraqis and their Resettlement Experience," International Rescue Committee, www.law.georgetown.edu/news/releases/documents/RefugeeCrisisinAmerica_000.pdf (accessed: October 8, 2010).

[4] Church World Services, "Impact of the Recession on Refugee Resettlement," Church World Services,

Refugee resettlement re-emerged in Congressional debate with the Refugee Protection Act of 2010 sponsored by Senator Patrick Leahy. The bill represents the first major revision to the resettlement program since the Refugee Act of 1980 was signed into law. Additionally, through the presidential determination, the Obama administration authorized the admission of 80,000 refugees for fiscal year 2011. The increase was a result of the Bush administration, and rescinded the steady decline in admission ceilings since 1992. In January 2010, Congress reversed three decades of decline in federal funding for resettlement, at the request of the Obama administration. The per capita grant for the Reception and Placement Program doubled from $900 to $1,800 per person for the first 90 days after arrival.[6] Further, the Obama Administration encouraged dialogue on reform by calling for a complete review of the program by the National Security Council.[7]

DESCRIPTION OF THE PROBLEM

The request for a review by the National Security Council underscores the perceived need for reform. One problematic element of the refugee resettlement program is its structure. Structure refers to the program's institutional context, legislative

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http://www.rcusa.org/uploads/pdfs/Final%20CWS%20Economy%20Survey%2005.28.09.pdf (accessed October 8, 2010).

[5] The State Department conducted a study of refugee applicants applying under family reunification. The study found that only 20% of familial relationship could be confirmed. See Jill Esbenshade, "An Assessment of DNA Testing for African Refugees," Immigration Policy Center, http://www.ilw.com/articles/2010,1110-ipc.pdf (accessed January 15, 2011).

[6] Office of the Spokesman, "Increase to the Refugee Reception and Placement Per Capita Grant," Department of State, http://www.state.gov/r/pa/prs/ps/2010/01/135800.htm (accessed January 15, 2011).

[7] Anna Gorman and Alexandra Zavis, "Federal Review Aims to Improve Refugee System," *Los Angeles Times*, http://articles.latimes.com/2010/jun/23/nation/la-na-refugee-20100623 (accessed January 15, 2011).

framework, and organizational processes. Three federal agencies govern the resettlement program: the Bureau of Population, Refugees and Migration (PRM) in the Department of State; the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (DHHS); and U.S. Citizenship and Immigration Services (USCIS) in the Department of Homeland Security (DHS). The President, in consultation with the Congress and other appropriate agencies, specifies program priorities and sets admission goals. The PRM and USCIS bureaus screen and process applicants overseas.

At the domestic level, refugee resettlement is further divided between the federal and local level of government. After arriving in the U.S., ORR provides direct services through mutual assistance associations (MAA's) and local nonprofit resettlement agencies aimed at promoting self-sufficiency.[8] This fragmented structure within the Federal government and between levels of government results in conflicting priorities, information gaps, and unclear goals that hinder program success.[9,10,11]

Another issue is the impact of refugee resettlement on host communities. In some regions, this problem culminated in a request to the Department of State to suspend resettlement for an undetermined amount of time. The mayor of Fort Wayne, Indiana requested that the number of refugees resettled in Indiana be reduced as a result of

[8] Sara McKinnon, "Bringing New Hope and New Life: The Rhetoric of Faith-based Refugee Resettlement Agencies," *Howard Journal of Communications* 20 (2009): 313.
[9] Kate Brick, et al., "Refugee Resettlement in the United States: An Examination of Challenges and Proposed Solutions," (Columbia University School of International and Public Affairs, 2010).
[10] Aftin Abdi, "Task Force 2010: Protection and Resettlement Policy: Reforming United States Policy Towards Refugees, Asylum and Forced Migrants," (Henry M. Jackson School of International Studies, University of Washington, 2010).
[11] U.S. Library of Congress, Congressional Research Service, *U.S. Refugee Resettlement Assistance* by Andorra Bruno, Washington: CRS (January 4, 2011/R41570).

tensions surrounding the recent influx of Burmese refugees. In a similar vein, the Georgia state legislature considered bills that would mandate reporting by local affiliates to state officials when more than 10 refugees are scheduled for arrival. A recent report released by the Committee on Foreign Relations found that many resettlement programs remain severely underfunded, placing an undue burden on the local community. The report also finds that the program structure exacerbates this situation, as local communities and agencies lack a formalized role in determining the number of refugees the community can sustain.[12]

In light of the increasingly divergent trends in displacement, the refugee resettlement program no longer meets the needs of newly arrived refugees. This problem is particularly pronounced in the social service delivery systems, leaving the presumed end goals of resettlement, integration and self-sufficiency, in jeopardy.

METHODOLOGY

This report examines the need for reform in the U.S. refugee resettlement program, with a focus on structural concerns. Structural deficiencies are addressed on two levels: system-wide and local. A scheme of these components and their associated problems follows:

[12] U.S. Congress, Senate Committee on Foreign Relations. *Abandoned Upon Arrival: Implications for Refugees and Local Communities Burdened by a U.S. Resettlement System that is not Working.* 111th Cong., 2d sess., 2010.

Table 1: Scheme of Issues Addressed

Level	Key Actors	Associated Problems
System Level	• President • Congress • Federal agencies	• Information gaps • No systematic monitoring or evaluation • Multiple authorities • Conflicting priorities
Local Level	• Volags • Local affiliates • State agencies • City/County agencies	• Resource strain • "Lottery effect" • Lack of strategic placement

In particular, this report will probe the transition from programs providing services overseas to those providing services on the domestic level. Refugees transition from overseas programs to domestic program upon arrival in the U.S. Noll and van Selm emphasize the importance of the process, noting that refugee programs are "more often a matter of policy implementation in the field of refugee protection than a matter that is fixed in a country's legal approach to immigration matters."[13] The following questions will be used to guide the analysis:

- What structural reforms to the U.S. refugee resettlement program are needed to promote protection and self-sufficiency?
- What are the goals of the resettlement program?
- How does the transition from the international context to the domestic occur?
- What are the benefits of this process? What are the challenges?
- What process is used to assign refugees to local affiliates in the U.S.?
- To what degree do the actors in the program collaborate or share information?

[13] Gregor Noll and Joanne van Selm, "Rediscovering Resettlement," *MPI Insight* 3 (December 2003): 1.

These questions will be addressed through a literature review developed from recent academic literature. Additionally, the report will incorporate program evaluations, relevant legislation, and regulations from mixed sources, including academic literature, governmental documents and other public records. This literature review will assess structural deficiencies and map the transition process from overseas to the domestic level.

REPORT ORGANIZATION

Chapter 2 will review the literature regarding the international context of resettlement. Next, a description of the international refugee regime will be provided, including definitions and legal framework. The chapter will also summarize the current trends in displacement, the consequences of protracted situations, and the feasibility of durable solutions.

Chapter 3 will summarize the history of refugee policies and the development of the U.S. refugee resettlement program. The chapter will then outline the U.S. resettlement process and its participating stakeholders.

Chapter 4 will describe some of the more salient issues of the program, including coordination, service delivery and evaluation.

Finally, Chapter 5 will address the issues described in chapter 4 and consider proposed solutions.

Chapter 2: International Context

Traditionally, refugees are distinguished from other immigrants by their motivation for migration. The factors that influence migration can be broadly defined as push or pull factors. Push factors are negative factors that push an individual from their country of origin. Examples of push factors include war, political instability, persecution or social inequality. In contrast, pull factors are positive factors that draw or pull an individual away from their country of origin. Pull factors include a higher standard of living or the promise of employment. In the broadest terms, refugees are individuals responding to push factors, while migrants are individuals responding to pull factors.[14] In this scheme, refugees are viewed as reactive migrants. Other migrants are viewed as proactive, as they make the decision to voluntarily migrate within a rational-choice framework.[15]

However, the push-pull framework is contested within the literature on forced migration. Other criteria considered as defining characteristics of refugees include: the vulnerability of refugees to state control mechanisms[16] and the prevalence of psychological disturbances.[17] Critics charge that the push-pull distinction oversimplifies the migration process. Push-pull factors do not adequately reflect the complexity of

[14] Gil Loescher, *Beyond Charity: International Cooperation and the Global Refugee Crisis* (New York: Oxford University Press, 1993).
[15] Anthony Richmond, "Refugees and Racism in Canada," *Refuge* 19 (2001): 12.
[16] Stephanie Nawyn, "Faith, Ethnicity and Culture in Refugee Resettlement," *American Behavioral Scientist* 49 (2006): 1509.
[17] Kate Murray, et al., "Review of Refugee Mental Health Interventions Following Resettlement: Best Practices and Recommendations," *American Journal of Orthopsychiatry* 80, no. 4 (2010): 576.

factors involved in migration decisions or the fluidity of these factors. For example, economic migrants may emigrate for better economic opportunities, but this economic need may be rooted in persecution based on racial, gender or political characteristics.[18]

While the push-pull definition is problematic, it does reflect qualitative research that suggests that refugees are a unique population. Hadley and Sellen found that resettled refugees in the U.S. experience a higher rate of food insecurity than other immigrants.[19] Similarly, refugees face unique health challenges, such as higher rates of tuberculosis, malaria, hepatitis, intestinal parasites and nutritional deficiencies. As a result, refugees have a higher prevalence of acute and chronic diseases when compared to other immigrants.[20]

McKay raises the difficult issue of the limits of the "refugee" categorization and questions the temporal aspect. In short, McKay questions when the label of "refugee" is no longer accurate. She argues that "refugee" refers to the environment of the individual, not to inherent traits of that person. This is reflected by the fact that when migrants cross borders, they cross out of different labels (for example, asylum seekers become refugees when granted asylum within the US). McKay also notes that in public debate, refugees and immigrants are delineated by two factors: the perception of lack of choice in migration and the perception of being worthy of sympathy.[21]

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[18] Sonia McKay, *Refugees, Recent Migrants and Employment: Challenging Barriers and Exploring Pathways* (New York: Routledge, 2009).
[19] Craig Hadley and Daniel Sellen, "Food Security and Child Hunger among Recently Resettled Liberian Refugees and Asylum Seekers: A Pilot Study, *Journal of Immigrant Health* 8 (2006): 369.
[20] Murray, et al., "Review of Refugee Mental Health."
[21] McKay, *Refugees, Recent Migrants and Employment.*

INTERNATIONAL LEGAL FRAMEWORK

Prior to World War II, no comprehensive regime or legal framework existed to address mass displacement. The end of World War II left millions displaced in Europe, often with their country of origin erased by the shifting political boundaries. The miseries suffered by the displaced, particularly Jewish concentration camp survivors, became a catalyst for the creation of a global refugee regime. However, the new refugee regime continued to subscribe to the pre-war belief that displacement was a short-term and solvable problem.[22,23,24]

In the wake of the war, the victorious Western powers created the United Nations Relief and Rehabilitation Agency (UNRRA) to address displacement. The UNRRA primarily focused on advocating for the repatriation of refugees to their home country. Under UNRRA auspices, approximately seven million displaced persons were forcibly repatriated shortly after the end of the war.[25] Many refugees, particularly Jewish Germans, refused repatriation for fear of persecution. However, the UNRRA was not mandated to arrange for resettlement in a third country. The Soviets viewed resettlement as intolerable because it represented a rejection of their political ideology. In response to Soviet pressure and in fulfillment of the Yalta agreement, the UNRRA forced repatriation. Several well publicized suicides by displaced persons to avoid repatriation

[22] Louise Pirouet, *Whatever Happened to Asylum In Britain? A Tale of Two Walls* (New York: Berghahn Books, 2001).
[23] Court Robinson, *Terms of Refuge: The Indochinese Exodus and the International Response* (New York: Zeb Books, 1998).
[24] Loescher, *Beyond Charity.*
[25] Robinson, *Terms of Refuge.*

convinced the American leadership that resettlement was a more favorable alternative.[26,27]

As the ideological divide between the U.S. and the Soviet Union began to widen, each country designed means to discredit the other's system. In this context, displacement became one of the early turf wars in the Cold War. The Soviets argued that repatriation of displaced persons was the only permissible solution, and any individuals that refused repatriation should be denied further assistance. In contrast, the Americans believed the displaced had the right to choose repatriation or resettlement elsewhere. The U.S. position reflected the growing conviction that the displaced would refuse repatriation to the Eastern bloc, instead choosing life in the free and democratic West. Thus, U.S. leaders framed resettlement as the displaced "voting with their feet" for the Western system. By 1946, the U.S. began to campaign for the creation of a new organization, the International Refugee Organization (IRO), which would promote resettlement in a third country.[28,29,30] The IRO was mandated to protect European refugees created by World War II and refugees created prior to the war. The organization was not envisioned to exist later than 1950.[31,32]

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[26] Loescher, *Beyond Charity.*
[27] United Nations High Commissioner for Refugees, *The State of the World's Refugees 2000* (Oxford: Oxford University Press, 2000).
[28] Robinson, *Terms of Refuge*.
[29] Loescher, *Beyond Charity*.
[30] UNHCR, *State of the World's Refugees 2000.*
[31] UNHCR, *State of the World's Refugees 2000.*
[32] Gil Loescher and John A. Scanlan, *Calculated Kindness: Refugees and America's Half-Open Door, 1945-Present* (New York: The Free Press, 1998).

In 1951, the United Nations High Commissioner for Refugees (UNHCR) was created to address displacement in Europe after World War II. The UNHCR is mandated to ”lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems.”[33,34] In turn, the UNHCR created the cornerstone of the international refugee regime, the 1951 Convention Relating to the Status of Refugees. The UNHCR and the 1951 Convention are the central components of the global refugee regime, which responds to displacement and creates international standards for protection.[35]

The 1951 Convention became the generally accepted legal standard as a majority of countries adopted it in their laws. The 1951 Convention defined a refugee as a person who

> Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership, of a particular social group or political group or political opinion, is outside of the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. [36]

The 1951 Convention reflects the push-pull logic as it frames the definition of refugee in terms of the individual’s motivation for flight. The 1951 Convention does not consider

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[33] United Nations High Commissioner for Refugees, “Mission Statement,” United Nations High Commissioner for Refugees, http://www.unhcr.org/pages/49ed83046.html (accessed January 15, 2011).
[34] Yorn Yan, *New Americans, New Promise*: *A Guide to the Refugee Journey in America.* (Saint Paul, MN: Fieldstone, 2006).
[35] Sadako Ogata, *The Turbulent Decade: Confronting the Refugee Crises of the 1990’s,* (New York: W.W. Norton and Company, 2005).
[36] United Nations High Commissioner for Refugees, “Convention and Protocol Relating to the Status of Refugees,” UNHCR, http://www.unhcr.ch/cgi-bin/texis/vtx/home/+LwwBmeJAIS_wwww3wwwwwwwxFqzvqXsK69s6mFqA72ZR0gRfZNhFqA72ZR0gRfZNtFqrpGdBnqBzFqmRbZAFqA72ZR0gRfZNDzmxwwwwwww1FqhuNlg2/opendoc.pdf (accessed: December 20, 2010).

the larger, societal context of persecution and displacement.[37] The definition also provided a means by which refugees could, for the first time, be assessed on a case-by-case basis rather than on a group basis.[38]

However, the 1951 Convention included temporal and geographic limits. As it was written following World War II, it was intended to resolve the issue of European refugees. As such, it only recognized those refugees created by events occurring prior to January 1, 1951. Additionally, states that signed the Convention were also given the option of further restricting the declaration to those refugees from Europe.

Another significant provision of the Convention prohibited signatories from *non-refoulement.* The principle of *non-refoulement* is defined as the

> Return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.[39]

By 1967, the refugee crisis had not abated; instead the magnitude increased and spread far beyond Europe, especially in Africa. The crisis in Africa gave rise to a new approach to refugee determination that relied not on case-by-case determination but *prima facie* group determination. The 1967 Protocol removed the temporal and geographic constraints imposed by the 1951 Convention, thus recognizing refugees outside of Europe resulting from events after January 1, 1951.[40]

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[37] McKay, *Refugees, Recent Migrants.*
[38] UNHCR, *State of the World's Refugees 2000.*
[39] UNHCR, "Convention and Protocol."
[40] UNHCR, *State of the World's Refugees 2000.*

The core mandate of the UNHCR did not change, however, though the context around the regime changed over the years. Most notably, the geographic coverage shifted from an emphasis on Europe to Africa, where conflicts for colonial independence began to engulf the continent in the 1960's. UNHCR activity continued to spread to Asia, following the conflicts in the Indian sub-continent and the Vietnam War. The Cold War in the 1980's led to proxy wars in developing countries like Mozambique and Afghanistan. [41,42]

TRENDS IN DISPLACEMENT

At the end of 2009, the UNHCR recognized 43.3 million "persons of concern,"[43] of which 15.2 million were refugees.[44] While the number of "persons of concern" increased, the population of refugees remained relatively steady. Changes in the population occurred regionally, as the number decreased in some regions (Europe and North Africa), while it increased in others (Asia and Pacific). Additionally, within regions the decrease in refugees was often balanced by the creation of new refugees as a result of renewed conflicts.[45]

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[41] Ogata, *The Turbulent Decade*.
[42] Alexander Betts, "Institutional Proliferation and the Global Refugee Regime," *Perspectives on Politics* 7 (2009): 53.
[43] "Persons of concern" include refugees, returnees, stateless persons and internally displaced persons (IDP's). See United Nations High Commissioner for Refugees, "2009 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons," UNHCR, www.unhcr.org/4c11f0be9.html (accessed: January 15, 2011)
[44] The total of 15.2 million refugees is divided into 4.8 million under the mandate of the UNRWA and 10.4 million under the UNHCR. See UNHCR, "2009 Global Trends."
[45] UNHCR, "2009 Global Trends."

Pakistan hosted the largest number of refugees in 2009 (1.7 million) as a consequence of its neighboring country, Afghanistan. In 2009, approximately half of all refugees were from Afghanistan and Iraq. Indeed, Afghanistan has been the leading refugee producing country for the last three decades.[46]

Mass exodus in response to civil wars, genocide and/or pervasive discrimination continues to overwhelm the capacity of host countries. This is particularly problematic for developing countries that lack the economic resources for an adequate response. The sudden migration of individuals can threaten the stability of neighboring countries, creating what has been termed a "bad neighborhood."[47]

Displacement continues to become more complex, as new refugee displacement occurs in tandem with large-scale voluntary repatriation. While some conflicts were resolved over the last decade, there was also an increase in new refugee movements from countries not traditionally considered refugee-sending countries.[48]

The UNHCR refers to particularly complex situations as protracted. Protracted situations arise from a complex interaction of various factors: prevailing conditions in the country of origin; policy responses of the country of asylum; lack of sufficient donor engagement; and a failure to address human right violations. The UNHCR describes protracted situations as

> One in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and

[46] UNHCR, "2009 Global Trends."
[47] Myron Weiner, "Bad Neighbors, Bad Neighborhoods: An Inquiry into the Cause of Refugee Flows," *International Security* 21 (1996): 5.
[48] United Nations High Commissioner for Refugees, *The State of the World's Refugees 2006*. (Oxford: Oxford University Press, 2006).

> essential economic, social, and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance.[49]

In essence, refugees in a protracted situation have moved beyond the initial emergency stage, but cannot expect a durable solution soon.[50] In 2009, the UNHCR identified 25 protracted situations in 21 countries, comprising 5.5 million refugees. In fact, the majority of refugees reside in protracted situations.[51] Protracted situations disproportionally affect Africa, where almost half live in camps and a population of 1.7 million is embroiled in 17 protracted situations.

One consequence of the increasing number of protracted situations is the increasing amount of time refugees spend in exile (17 years in 2003 compared to 9 years in 1993). This longer period of exile strains the resources of the country of asylum and often leads to increasingly unstable conditions in refugee camps. In response, countries of asylum use "warehousing." Warehousing refers to the practice of confining refugees in camps in their first country of asylum, while restricting movement, education and employment. An increasing percentage of refugees remain in limbo in refugee camps for decades, unable to return home or integrate into the society of the host country. This lack of opportunity results in higher demand for resettlement. Coupled with an increase in protracted situations, warehousing is linked to instability.[52]

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[49] UNHCR, *State of the World's Refugees 2006.*
[50] UNHCR, *State of the World's Refugees 2006.*
[51] UNHCR, *State of the World's Refugees 2006.*
[52] UNHCR, *State of the World's Refugees 2006.*

In operationalizing the definition of protracted situations, the UNHCR uses the crude threshold of 25,000 refugees displaced for five years or more in a developing country. However, this measurement omits that though the population size may remain stable, the demographic composition of the crises often changes.[53] The complexity of various crises renders the concept of "protracted situation" unhelpful in the development of appropriate policy responses.

Implications for Resettlement

The UNHCR recognizes three durable solutions to address displacement: repatriation to the country of origin, integration in the second country of asylum, or resettlement to a third country. Individuals recognized as refugees on an individual basis are generally entitled to consideration for all three.[54]

Integration is considered the most desirable solution and resettlement the least. However, repatriation remains the solution most frequently employed, while integration remains the least. Repatriation results in the return of a refugee to his or her country of origin, resulting in the loss of refugee status.[55] Local integration results in the person attaining rights akin to those of and ultimately becoming a citizen of the country of first asylum; local integration is not an option for those granted temporary protection and also not open to refugees in some regions.[56] Resettlement results in a refugee being moved to

[53] UNHCR, *State of the World's Refugees 2006.*
[54] Matthew Albert, "Governance and Prima Facie Refugee Status Determination: Clarifying the Boundaries of Temporary Protection, Group Determination, and Mass Influx," *Refugee Survey Quarterly* (2010): 61.
[55] Albert, "Governance and Prima Facie Determination."
[56] Albert, "Governance and Prima Facie Determination."

a country, which takes a quota of refugees from other host states.[57] The decision to resettle a refugee is made only in the absence of other options.[58]

Only a small percentage of refugees are resettled in third countries. In 2009, only one percent of the world's refugees were resettled. In past 10 years, 810,000 refugees were resettled, compared to the 9.6 million that repatriated. [59] While voluntary repatriation remains the most used durable solution, resettlement remains a key protection tool and a significant responsibility-sharing mechanism.

The normative evaluation of these durable solutions fluctuates over time. During the 1960's and 1970's, resettlement and local integration were emphasized. During the 1980's, following the end of communism and colonialism, repatriation became the favored solution. During the 1990's, nine million refugees were repatriated. However, the premature repatriations to the former Yugoslavia and Afghanistan reinvigorated discussions regarding the voluntariness and sustainability of repatriation.

The UNHCR began discussions to identify the best means to bridge the capacity of countries to move from a state of emergency to long-term development. These discussions were characterized by the 4R's: repatriation, reintegration, rehabilitation, and reconstruction. The UNHCR emphasized the role of burden-sharing and improved access to durable solutions as the means to transform refugee assistance programs to long-term development.[60]

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[57] Albert, "Governance and Prima Facie Determination."
[58] Shauna Labman, "Resettlement's Renaissance: A Cautionary Advocacy," *Refuge* 24 (2007): 35.
[59] UNHCR, "2009 Global Trends."
[60] UNHCR, *State of the World's Refugees 2006.*

The emphasis on resettlement in a third country returned in the late 2000's, as a manifestation of the growing resistance to asylum in the developed world. Countries perceive resettlement to be a means to exercise greater control in the composition of humanitarian entrants.[61,62] The UNHCR formally defines resettlement as the "transfer of refugees from a state in which they have initially sought protection to a third state that has agreed to admit them with permanent-residence status." [63] Resettlement performs three functions: (1) a tool of international protection; (2) a durable solution; (3) an expression of international solidarity as a form of burden-sharing.

Recent years have seen an emphasis on the strategic use of resettlement, defined as

> The planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the host State, other States, and the international protection regime in general.[64]

This recognizes that resettlement is most successful as a durable solution when it is combined with other durable solutions created in the situation-specific context. One such strategy is the 2003 development of group methodology in resettlement, which covers not only specific vulnerable individuals, but also refugees in protracted situations. This process is often used when a state lacks the capacity to interview and process refugees on an individual bases. As such, group determination is often used in developing

[61] UNHCR, *State of the World's Refugees 2006.*
[62] Labman, "Resettlement's Renaissance: A Cautionary Advocacy."
[63] UNHCR, *State of the World's Refugees 2006.*
[64] UNHCR, *State of the World's Refugees 2006.*

countries after massive displacement.[65] Group methodology uses an identity characteristic (such as clan, ethnicity, age or gender) to identify a vulnerable section of the population and encourages durable solutions for those resettled and those not resettled by removing a vulnerable population in need of enhanced protection.[66]

[65] Albert, "Governance and Prima Facie Determination."
[66] UNHCR, *State of the World's Refugees 2006.*

Chapter 3: National Context

HISTORICAL DEVELOPMENT OF U.S. REFUGEE RESETTLEMENT

The U.S. remained predominantly restrictionist in its immigration and refugee policies following WWII. The majority of the American public favored allowing only a limited number of displaced persons to resettle in the U.S. while assisting the rest in resettling elsewhere.[67] As a result, a small number of displaced were resettled in the U.S., but no large-scale resettlement scheme was created.

The tide of sympathy for the displaced began to turn when the living conditions of the displaced in Europe came to the attention of the Jewish community in the U.S. President Truman sent Earl Harrison to inspect the displaced persons camps. Harrison noted in his report that, "we appear to be treating the Jews as the Nazis treated them, except we do not exterminate them."[68]

The American Jewish community used the Harrison Report to campaign for the resettlement of greater numbers of the displaced. Truman responded on December 22, 1945 with a directive to allow the use of the unallocated annual visas to resettle refugees in the U.S. Between the spring of 1946 and June 1948, approximately 40,000 refugees were admitted to the U.S.[69]

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[67] Rita Simon, "Public and Political Opinion on the Admission of Refugees," In *Refugees in America in the 1990s*, ed. David W. Haines (Westport, CT: Greenwood Press, 1996).
[68] Loescher & Scanlan, *Calculated Kindness.*
[69] Loescher & Scanlan, *Calculated Kindness.*

Table 2: Timeline of Important U.S. Refugee Legislation

Date	Legislation
1945	Truman Directive allows the admission of European refugees
1948	Congress passes Displaced Persons Act, the first U.S. refugee bill; allows the entry of 205,000 refugees from Europe
1952	Immigration and Nationality Act; grants the power of parole to the attorney general
1956	Eisenhower admits Hungarian refugees
1959	Admission of Cuban refugees; Eisenhower establishes the Cuban Refugee Emergency Center in Miami, the first federal resettlement assistance program
1962	Migration and Refugee Assistance Act; Kennedy expands the assistance program
1965	Immigration and Nationality Act Amendments create a preference category for refugees
1975	Indochinese Migration and Refugee Act establishes a temporary resettlement scheme for Vietnamese refugees
1980	Refugee Act of 1980

Sources: Bean & Stevens, *America's Newcomers*; Hohm, et al., "A Quantitative Comparison;" Holman, "Refugee Resettlement;" Loescher & Scanlan, *Calculated Kindness*; Sargent et al., "A Qualitative Comparison;" Waibsnaider, "How National Self-Interest."

While the American Jewish community continued to advocate for resettlement through the Citizens' Committee on Displaced Persons, the Cold War began to solidify on the world stage.[70,71] The Truman administration recognized that "refugees had become part of the political landscape overseas."[72] Truman's use of refugees as a tool of

[70] Loescher & Scanlan, *Calculated Kindness.*
[71] Norman Zucker and Naomi Flink Zucker, *Desperate Crossings: Seeking Refuge in America* (Armonk, NY: M.E. Sharpe, 1996).
[72] Loescher & Scanlan, *Calculated Kindness.*

American foreign policy foreshadowed the primacy of political goals in the admission of refugees for decades to come.[73.74]

Congress passed the first refugee bill, the Displaced Person Act, in 1948. The bill allowed the entry of 205,000 refugees from Europe. The number of admitted refugees was charged against the future visa quotas of countries, which placed refugee admissions under the larger purview of U.S. immigration policy. Despite the inclusion of refugee admissions under the general immigration policy, no policy framework was developed to address the issues of displacement. As a result, refugee admissions were not standardized and crises were resolved individually, leaving the process vulnerable to political influence.[75.76.77] Thus, U.S. legislation on refugees continued on an ad hoc basis for several decades, largely resting on the discretion of the President.

The McCarran-Walter Act (The Immigration and Nationality Act of 1952*)* was passed by Congress in 1952. The most significant aspect of the bill in terms of refugee resettlement was granting the power of parole to the attorney general. The power of parole allowed the attorney general to admit immigrants on a case-by-case basis within regional quotas (the Refugee Act of 1980 restricted the power of parole to refugees). The law also allowed for the use of future visa allocations.[78.79]

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[73] Loescher &Scanlan, *Calculated Kindness.*
[74] Zucker & Zucker, *Desperate Crossings.*
[75] Loescher & Scanlan, *Calculated Kindness.*
[76] Frank Bean and Gillian Stevens, *America's Newcomers and the Dynamics of Diversity* (New York: Russell Sage Foundation, 2003).
[77] Philip Holman, "Refugee Resettlement in the United States." In *Refugees in America in the 1990s*, ed. David W. Haines (Westport, CT: Greenwood Press, 1996).
[78] Loescher & Scanlan, *Calculated Kindness.*
[79] Zucker & Zucker, *Desperate Crossings*.

Eisenhower used the power of parole to admit Hungarian "freedom fighters" in 1956. Instead of using parole on a case-by-case basis, Eisenhower set a precedent for using the power for group determination. Similarly, following the Castro government's taking power in 1959, the U.S. admitted Cuban refugees.[80,81,82] By 1965, the number of refugees paroled by the president was a significant part of the immigration system. Congress created a preference category for refugees from the Middle East and communist countries as part of the Immigration and Nationality Amendments of 1965.[83]

The U.S. government did not provide assistance to resettled refugees until 1959. Prior to 1959, federal government assistance was limited to costs related to entry, processing and transportation. Any additional assistance was provided by voluntary agencies.[84,85] Eisenhower established the first federal government assistance program in the form of the Cuban Refugee Emergency Center in Miami.[86,87,88] In 1962, the Migration and Refugee Assistance Act created a broad base of domestic services funded by the federal government. Under the 1962 Act, President Kennedy further expanded Eisenhower's assistance into a nine-point program:

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[80] Loescher & Scanlan, *Calculated Kindness.*

[81] Holman, "Refugee Resettlement in the United States."

[82] Zucker & Zucker, *Desperate Crossings.*

[83] Meital Waibsnaider, "How National Self-Interest and Foreign Policy Continue to Influence the U.S. Refugee Admissions Program." *Fordham Law Review* 75 (2006): 391.

[84] Paul Sargent et al., "A Qualitative Comparison of the Effectiveness of Private and Public Refugee Resettlement Programs: The San Diego Case," Sociological Perspectives 42 (1999): 403.

[85] Sargent et al., "A Qualitative Comparison."

[86] The program was funded by presidential contingency funds under the Mutual Security Act of 1954, the Foreign Assistance Act of 1961, and the Migration and Refugee Assistance Act of 1962. See Charles Hohm, et al., "A Quantitative Comparison of the Effectiveness of Public and Private Refugee Resettlement Programs: An Evaluation of the San Diego Wilson Fish Demonstration Project." *Sociological Perspectives* 42 (1999): 755.and Sargent et al., "A Qualitative Comparison."

[87] Hohm, et al., "A Quantitative Comparison."

[88] Sargent et al., "A Qualitative Comparison."

- Assisting voluntary relief agencies
- Finding employment opportunities
- Resettling refugees from Miami to another area
- Offering financing to meet basic maintenance requirements
- Providing health services
- Giving federal assistance for local public school operating costs
- Providing training and educational opportunities
- Caring for unaccompanied children
- Distributing surplus food[89,90]

Services were offered according to nationality, with the Cuban Refugee Program assisting Cubans; the Indochinese Refugee Assistance Program for Cambodians and Vietnamese and all other groups through the Matching Grant Program.[91]

With a standardized assistance program in place, the U.S. resolved the refugee crisis in Indochina in the 1970's. Indochina was the last displacement crisis the U.S. addressed in an ad hoc manner, through the Indochina Migration and Refugee Act of 1975, which began a temporary resettlement program.[92,93]

The Refugee Act of 1980 was the first formal pronouncement of U.S. refugee policy and as a whole attempted to remove the ad hoc nature of refugee admissions and make the selection process less discretionary. Rather than relying on the power of parole or an act of Congress to admit refugees in response to one specific crisis, the Act created a standardized set of regulations and processes to govern all refugee admissions. One

[89] Hohm, et al., "A Quantitative Comparison."
[90] Sargent et al., "A Qualitative Comparison."
[91] Sargent et al., "A Qualitative Comparison."
[92] Holman, "Refugee Resettlement in the United States."
[93] Zucker & Zucker, *Desperate Crossings.*

important component was the incorporation of the 1951 Convention definition of "refugee" into U.S. law. Changing the prior definition of a refugee as an individual fleeing a Communist or Middle Eastern country significantly removed the process from the framework of foreign policy objectives, and established a framework guided by humanitarian principles. As a result, the resettlement process was more insulated from political influence. However, despite the intentions of Congress, the heavy interest of foreign policy continued to dominate the procedure until the end of the Cold War. Additionally, the Act created a battery of programs to improve the self-sufficiency of new arrivals.[94.95.96.97]

Critics charged that Congress wrote the president a blank check for the admission of overseas refugees. However, the Refugee Act did limit parole to refugees with "compelling reasons in the public interest with respect to that particular alien," though this description leaves the president a great deal of latitude.[98]

Legomsky argues that four factors traditionally shape refugee policy: foreign policy objectives, domestic immigration goals, pressure from interest groups, and

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[94] U.S. Library of Congress. Congressional Research Service, Refugee and Asylum-Seeker Inflows in the United States and other OECD Member States by Chad Haddal, Washington: CRS 2009, (January 6, 2009/R40133).

[95] Waibsnaider, "How National Self-Interest and Foreign Policy."

[96] Michael Teitelbaum, "US Responses to Refugees and Asylum Seekers," In *Temporary Workers or Future Citizens? Japanese and US Migration Policies*, ed. Myron Weiner and Tadashi Hanami (New York: New York University Press, 1998).

[97] Holman, "Refugee Resettlement in the United States."

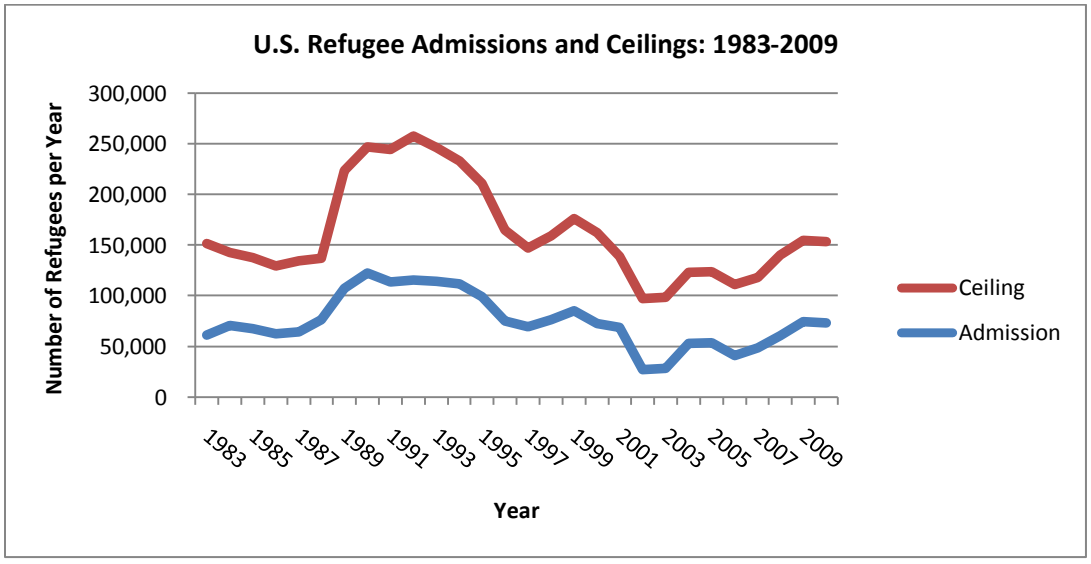
[98] Stephen Legomsky, "The Making of United States Refugee Policy: Separation of Powers in the Post-Cold War Era," *Washington Law Review* 70 (1995): 675.

humanitarian concerns.[99] These factors are reflected in the historical evolution of refugee resettlement in the U.S.

TRENDS IN U.S. RESETTLEMENT

The number of refugees admitted to the U.S. has varied, beginning with admission numbers around 120,000 in 1990 and declining to a low in 2001 and 2002 of approximately 30,000.[100] Figure 1 illustrates the pattern:

Figure 1: U.S. Refugee Admissions and Ceilings 1983-2009



Source: Office of Refugee Resettlement, *Annual ORR Report to Congress*, Years 1983 to 2009, http://www.acf.hhs.gov/programs/orr/data/arc.htm (accessed October 15, 2010).

The decline in 2001 and 2002 was largely due to the new security measures implemented

[99] Heidi Boas, "The New Face of America's Refugees: African Refugee Resettlement to the United States," *Georgetown Immigration Law Journal* 21 (2007): 431.
[100] Department of Homeland Security, "Refugee Arrivals: Fiscal Years 1980 to 2010," United States Citizenship and Immigration Services, www.dhs.gov/xlibrary/assets/statistics/yearbook/2010/table13.xls (accessed: January 15, 2011).

after 9/11. After a decline around 2006, (as a result of the "terrorist bar" in the 2001 USA PATRIOT Act and the 2005 REAL ID Act)[101] the number of refugees resettled each year steadily increased.

In FY 2010, California received the highest percentage of arrivals at 15%, and Texas the second largest at 11%. In fact, approximately half of resettled refugees were placed in one of six states: California, Texas, New York, Arizona, Florida and Michigan.[102] This geographical distribution reflects the interplay between larger migration patterns, such as chain migration, and the impact of resettlement intermediaries. California played an important role in past resettlement and continues to receive a high number of arrivals in part due to the family reunification cases filed by refugees already resettled in the state. Michigan is becoming a state of high arrivals due to the increased migration of Somali and Arab refugees and immigrants.[103]

Prior to the 2000's, U.S. refugee resettlement was largely homogenous. A small number of sending countries dominated the program. Refugees from Vietnam comprise approximately 35% of all refugee arrivals from 1983 to 2009. In fact, 75% of all refugees resettled in the U.S. since 1983 came from five countries: Soviet Union, Yugoslavia,

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[101] The USA PATRIOT Act of 2001 and the REAL ID Act of 2005 expanded the definition of terrorist activity and the categories of terrorist organizations. As a result, DHS screened out some refugees who provided support under extreme duress to armed groups (considered material support to terrorists). The advocacy group, Refugees International, describes the situation as follows: "this interpretation of U.S. law is resulting in a perverse outcome: victims of terrorism are being designated terrorist supporters and blocked from receiving sanctuary and a chance to start a new life in the United States." See Daya Gamage, "Do U.S. Security Laws Hamper U.S. Refugee Resettlement Program?" *Asian Tribune* http://www.asiantribune.com/show_news.php?id=16994 (accessed: January 12, 2011).

[102] Department of Homeland Security, "Refugees and Asylees: 2009," United States Citizenship and Immigration Services, www.dhs.gov/xlibrary/assets/statistics/publications/ois_rfa_fr_2009.pdf (accessed: January 15, 2011).

[103] Lawrence Brown, et al., "Immigrant Profiles of U.S. Urban Areas and Agents of Resettlement," *The Professional Geographer* 59, no. 1(2007): 56.

Laos, Vietnam, and Cuba.[104] The top ten countries sending refugees to the U.S. in 1983-2009 reflect the political ideology that underpinned the admissions process. Several of the top 10 countries are communist or authoritarian regimes and hostile to the U.S. The top ten refugee creating countries from 1983 to 2009 are as follows:

Table 3: Refugee Arrivals by Country of Origin: 1983-2009

Country	Total Number of Refugees Resettled	Percent of Total Refugee Arrivals
Vietnam	38620	34.57%
Yugoslavia	9505	8.51%
Cuba	8164	7.31%
Iraq	6383	5.71%
Burma	6238	5.58%
Somalia	6055	5.42%
Cambodia	5337	4.78%
USSR	5085	4.55%
Eritrea	4394	3.93%
Sudan	3841	3.44%

Source: Department of Homeland Security, "Refugee Arrivals: Fiscal Years 1980 to 2010," United States Citizenship and Immigration Services, www.dhs.gov/xlibrary/assets/statistics/yearbook/2010/table13.xls (accessed: January 15, 2011).

During the last decade, forced migration has become more diffuse, resulting in refugee arrivals that vary significantly in terms of culture, language, and reason for displacement. Examining the period from 2003-2009 provides an illustration of this shift. The top ten refugee sending countries for the period 2003-2009 are as follows:

[104] U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, "Refugee Economic Self-Sufficiency: An Exploratory Study of Approaches Used in Office of Refugee Resettlement Programs," by Peggy Halpern http://aspe.hhs.gov/hsp/08/RefugeeSelfSuff/ (accessed: October 15, 2010).

Table 4: Refugee Arrivals by Country of Origin: 2003-2009

Country	Total Number of Refugees Resettled	Percent of Total Refugee Arrivals
Burma	6125	20.60%
Cuba	3479	11.70%
Somalia	3356	11.29%
Iraq	2596	8.73%
Bhutan	2049	6.89%
Liberia	1473	4.95%
Burundi	1392	4.68%
Iran	1315	4.42%
Vietnam	1157	3.89%
Sudan	1016	3.42%

Source: Department of Homeland Security, "Refugee Arrivals: Fiscal Years 1980 to 2010," United States Citizenship and Immigration Services, www.dhs.gov/xlibrary/assets/statistics/yearbook/2010/table13.xls (accessed: January 15, 2011).

The 1983-2009 period is dominated by Vietnamese refugees at 34.57% of all arrivals. In contrast, the last six years of available data (2003-2009) show the shift from Vietnam as the dominant country of arrivals to Burma at 20%. Vietnam only accounts for 3.89% of all refugee arrivals in the 2003-2009 period, a significant difference. Another shift is the higher numbers of Africans arrivals, from a gross allocation of 0.65% to 31.43%.[105]

This shift in the composition of refugee arrivals brings refugees with different characteristics and needs than earlier groups. The trend of increased time in refugee camps prior to resettlement brings additional health and mental health concerns, as well as additional challenges to integration. Longer periods of exile in a refugee camp are associated with a significant decrease in exposure to formal education and professional

[105] Boas, "The New Face of America's Refugees."

skills. The overwhelming majority of refugees still find refuge in developing countries, where strained resources often hinder the development of formal educational programs. This trend will likely continue, as warehousing is increasingly used in countries of first asylum, which prohibits refugees from work. [106]

The increased diversity also results in a larger array of languages, requiring more translators proficient in a larger number of languages. This diversity has increased the complexity and cost of resettlement. In the past, the homogeneity of arrivals allowed for an economy of scale in providing translations and case management.[107] The increased cost associated with language needs often falls upon the local community. For example, Austin Independent School District is currently struggling to fulfill state requirements to establish a bilingual education program for Burmese refugees.[108]

U.S. REFUGEE RESETTLEMENT PROGRAM

The process of refugee resettlement in the U.S. is divided between the federal, state and local levels. Resettlement can be divided into a three-part process (see Figure 2 below). The federal government is mandated to provide the first two steps, admissions and processing. These two steps are the domain of three different federal agencies:

- Bureau of Citizenship and Immigration Services (USCIS) in the Department of Homeland Security (DHS)

[106] UNHCR, *State of the World's Refugees 2006.*
[107] Erol Kekic, letter to Scott Busby, September 11, 2009.
[108] Alex Torres, "Language Policy," Issues in U.S. Immigration Policy, LBJ School of Public Affairs, Austin, Texas, September 2010.

- Bureau of Population, Refugees and Migration (PRM) in the Department of State (DOS)
- Office of Refugee Resettlement (ORR) in the Department of Health and Human Service (DHHS)[109]

The final step of reception is provided on the local level by non-profit agencies and local government entities.

Figure 2: Components of the U.S. Refugee Resettlement Process

The federal government is tasked with the initial stage of the resettlement process: admissions. The president, in consultation with Congress, makes the determination each year of the number of refugees to be admitted. This benchmark is often referred to as the annual quota. The current quota for FY 2011 is 80,000.

PRM establishes the processing priorities and determines which processing priorities will be considered in specific countries.[110] Currently, there are four processing priorities:

- Priority I: individuals in immediate danger of death and violence;
- Priority II: individuals from specific groups that are of concern to the United States;

[109] Noll & van Selm, "Rediscovering Resettlement."
[110] Yan, *New Americans, New Promise*.

- Priority III: individuals who are the relatives of U.S. resident aliens, refugees, asylum seekers, conditional residents or parolees
- Priority IV: individuals who are a distant relation of U.S. resident aliens, refugees, asylum seekers, conditional residents or parolees

PRM works with U.S. embassies, the UNHCR, the International Organization of Migration (IOM), and non-governmental organizations to identify individuals in need of protection. The process begins when a referral is sent to a refugee regional coordinator, who then forwards the referral to an Overseas Processing Entity (OPE). OPEs are DOS contractors who conduct interviews to create a resettlement file for USCIS circuit riders who interview applicants to determine eligibility. Refugees must come from a country that is classified by DOS as a refugee sending country and each refugee must meet the requirements of the Immigration and Nationality Act.[111,112] If an applicant is approved, the OPE then conducts the out-processing procedure, which includes a minimal medical exam, sponsorship assurance and additional security checks. The applicant then goes through cultural orientation and makes travel arrangements with IOM (which provides refugees with a loan to pay for travel costs).

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[111] Noll & van Selm, "Rediscovering Resettlement."

[112] The Immigration and Nationality Act defines "refugee" in Sec. 101(a)(42) as:
"(A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or
(B) in such circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." See "Immigration and Nationality Act of 1965," (P.L. 89-236).

Upon arrival in the U.S., the resettlement process is largely the responsibility of local non-profit agencies and local governmental entities. The U.S. has a group of 10 voluntary agencies (known as volags) and one state agency (Iowa) that provide refugees with assistance after arrival in the U.S. Through their network of local affiliates, volags meet the refugees at the airport and provide orientation, housing and other programs, such as English classes or job skills training.[113] The federal government, by way of ORR, funnels money to these local non-profits.

Refugee cases can be divided into three groups:

- Predestined cases are refugees who have a relative or friend in the U.S. who filed an affidavit of relationship
- Geographical pool cases also have relatives in the U.S.
- Free pool cases are refugees without friends or family in the U.S.

Predestined cases are resettled near their family, while geographical and free pool cases are assigned to a volag who determines their location.[114,115]

The third pillar of refugee resettlement, mutual assistance agencies (MAA), are developed for a specific ethnic group and provide a more diverse set of services, of which resettlement is a small part. MAA's goal is to build capacity for integration among individual refugees and the community as a whole.[116]

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[113] Nawyn. "Faith, Ethnicity and Culture."
[114] Zucker & Zucker, *Desperate Crossings.*
[115] Bertin Ondja'a, "Refugee Resettlement Program in Hamilton County: Housing Needs for Refugees," (Thesis, Master of Community Planning, University of Cincinnati, 2009).
[116] Nawyn, "Faith, Ethnicity and Culture."

Benchmarks

Self-sufficiency remains a highly valued concept in the U.S. and is a core benchmark of the resettlement program. The 1996 welfare reform served to further underscore its importance.[117] The dual purpose of the reform was to cut costs associated with welfare and use the restriction of public benefits as immigration policy. Advocates argued that benefits acted as a magnet, encouraging immigration to the U.S. Thus, turning off the magnet removes the incentive for immigration.[118] The resulting legislation emphasized the supremacy of self-sufficiency in immigration policy, citing it as the "basic principle of United States immigration law."[119]

Finding employment and developing English skills are critical to achieving self-sufficiency. [120] As Ives notes,

> Language acts as a gatekeeper for employment, miring refugees in low-paying employment with little job security or opportunities for advancement, threatening the goal of long-term self-sufficiency.[121]

Refugees face the following barriers in their quest for employment:

- Physical health;
- Mental health;
- Lack of English skills;
- Lack of a work history in the U.S.;

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[117] Kenneth Corvo and Jaia Peterson, "Post-Traumatic Stress Symptoms, Language Acquisition, and Self-Sufficiency: A Study of Bosnian Refugees," *Journal of Social Work* 5 (2005): 205.
[118] Marc Berk, et al., "Health Care Use Among Undocumented Latino Immigrants," *Health Affairs*, (2000): 51-64.
[119] "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 104th Congress, (P.L. 104-193)
[120] Corvo & Peterson, "Post-Traumatic Stress Symptoms."
[121] Nicole Ives, "More than a 'Good Back': Looking for Integration in Refugee Resettlement," *Refuge* 24 (2007): 54.

- Lack of recognition of skills or credentials;
- References[122]

The U.S. refugee resettlement program is criticized for requiring employment within 90 days of arrival, before the end of federally funded resettlement assistance. This requirement constrains refugees from pursuing educational opportunities, credentials or medical attention.[123] This constraint compounds the downward mobility that many refugees with professional experience in their home countries undergo when forced to accept underemployment to meet this requirement.[124]

Another facet that affects the employability of refugees is the methods individuals use to find employment. Refugees predominantly use the informal methods of word of mouth and recommendations. A study in the U.K. found that 7 in 10 refugees use these methods. Refugees generally move into areas with established resettlement communities, which allows them to more easily share information. Even after refugees have resided in the U.S. for several years, they still predominantly use these informal methods. This trend has traditionally been explained as a result of specific historical or cultural preferences among refugees. However, McKay posits that informal methods remain popular because they are overwhelmingly successful.

Refugee employment is most successful when the following is provided:

- Positive employer participation
- Well-structured work experience,

[122] McKay, *Refugees, Recent Migrants.*
[123] Corvo & Peterson, "Post-Traumatic Stress Symptoms."
[124] McKay, *Refugees, Recent Migrants.*

- On-site accreditation of prior credentials and education[125]

Another benchmark of the resettlement program is integration. Integration is a complex and multi-faceted process, encompassing several dimensions, including social, political and functional/economic.[126] Governmental policy favors the functional dimension of integration, particularly employment, to the neglect of the other dimensions. This prioritization becomes problematic because of the complex interplay among the various dimensions of integration. U.S. policy prioritizes employment over the acquisition of language skills. However, a lack of adequate language skills in English hinders the ability of a refugee to secure employment. Similarly, mental health is largely neglected in resettlement, but mental health disorders can also create barriers to employment. Thus, the current resettlement policy often impedes the achievement of larger U.S. priorities.[127]

However, there is a dearth of research on the impact of a country's social programs or welfare on the long-term integration of refugees. Often integration is qualitatively measured as the use of public assistance; integrated refugees will decline in their use of public benefits.[128]

Employment and language barriers remain significant challenges to integration. Integration is closely connected to employment because research suggests that refugees

[125] McKay, *Refugees, Recent Migrants.*
[126] Dermot Ryan, et al., "Theoretical Perspectives on Post-Migration Adaptation and Psychological Well-Being Among Refugees: Towards a Resource-Based Model," *Journal of Refugee Studies* 21, no. 1 (2008): 1.
[127] McKay, *Refugees, Recent Migrants.*
[128] Ives, "More than a 'Good Back'".

who find work early in the resettlement process are more successful in adapting to their host country.[129]

Refugee Programs

The federal assistance programs created by the Refugee Act of 1980 did not remain static after its passage. Instead, the programs transformed from general assistance to a more outcome-based program emphasizing self-sufficiency, as measured by employment.[130] The majority of assistance programs provided by volags strive to help refugees become self-sufficient within 4 to 6 months of their arrival in the U.S.[131] ORR provides grants to volags funneled through state agencies for the costs associated with resettlement programs. These ORR funded programs provide eligible refugees with temporary cash assistance and medical assistance. Refugees are eligible if they have been in the U.S. for less than 8 months.[132,133,134]

Prior to 1980, federal funding was granted directly to private and public organizations at the local level. After 1980, approximately 85% of federal funding was granted to states, using allocation formulas based on the proportion of refugees being

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[129] McKay, *Refugees, Recent Migrants.*
[130] Michelle Swearingen, "Does the U.S. Refugee Resettlement Program?" (Thesis, Master of Public Policy, Georgetown University, 2009).
[131] Halpern, "Refugee Economic Self-Sufficiency."
[132] Ondja'a, "Refugee Resettlement Program."
[133] Halpern, "Refugee Economic Self-Sufficiency."
[134] Ilze Earner, "Case Study of Child Welfare Interventions in Refugee Families in Texas," www.brycs.org/documents/TexasCaseStudyMarch2005.pdf (accessed November 12, 2010).

served.[135,136,137] Refugee assistance programs fall into four categories: Refugee Cash Assistance, Refugee Medical Assistance, Refugee Social Services, and Special Projects.

One of the few standardized programs is Reception and Placement (R&P). When a refugee arrives in the U.S., HHS becomes responsible for monitoring public and non-profit refugee service providers.[138] In turn, HHS funnels R&P funding through each state's department of human services.[139] The Texas Department of Human Services' Office of Immigration and Refugee Affairs channels all funding to local affiliates and provides oversight of all refugee-related services in Texas.[140]

R&P funding subsidizes the cost associated with arrival, including: initial rent, furniture, household supplies, and initial groceries before food stamps supplement with in-kind and financial donations. However, funding does not account for differing costs of living in different regions or inflation.[141] The expectations and required tasks of R&P are more explicitly delineated than with other refugee assistance programs.[142] As part of R&P, agencies provide the following:

- Sponsorship assurance
- Pre-arrival planning
- Reception
- Basic needs support for at least 30 days

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135 Sargent et al., "A Qualitative Comparison."
136 Hohm, et al., "A Quantitative Comparison."
137 Sargent et al., "A Qualitative Comparison."
138 Ives, "More than a 'Good Back.'"
139 Ihotu Ali, "Staying Off the Bottom of the melting Pot: Social Welfare, Post 9/11 Policy, and Self-Sufficiency in Somali Refugee Resettlement." (Honors Project, Macalester University, 2010).
140 Earner, "Case Study of Child Welfare."
141 University of Washington, "Task Force 2010."
142 Brick, "Refugee Resettlement."

- Home visits[143]
- Case management
- Community orientation
- Referral to physical and mental health services, employment services and education and training programs

It is important to note that despite these refugee assistance programs, there is little empirical evidence that documents their effectiveness.[144] Further, given the emphasis on employment and self-sufficiency, factors that affect employment performance are often not addressed. Foremost among the barriers not addressed is mental health. Currently, very little funding is provided for mental health services. The presenting mental issues of refugee arrivals are ignored, despite their negative impact on the larger goal of self-sufficiency.[145] Lack of English as a Second Language (ESL) programs is another neglected issue that is often cited in criticism of the resettlement assistance programs. Despite the need for English language skills for employment and integration, ESL remains severely underfunded.[146]

The following chapter will expand upon some of the commonly cited issues in the resettlement program. While four other major refugee programs exist, this report will primarily focus on R&P, due to its pivotal role in the transfer from domestic to international programs.

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[143] Ali, "Staying off the Bottom."
[144] United States Government Accountability Office, "Refugee Assistance: Little Is Known about the Effectiveness of Different Approaches for Improving Refugees' Employment Outcomes," (GAO-11-369), 2011.
[145] National Child Traumatic Stress Network, "Mental Health Interventions for Refugee Children in Resettlement," http://www.nctsn.org/nctsn_assets/pdfs/promising_practices/MH_Interventions_for_Refugee_Children.pdf (accessed June 15, 2011).
[146] Senate Committee on Foreign Relations. *Abandoned Upon Arrival.*

Chapter 4: Issues in Resettlement

PROGRAM COORDINATION

A general lack of coordination of the U.S. Refugee Resettlement Program is commonly cited as a flaw in the program. This lack of coordination is the core of the program's dysfunction, particularly in the wake of the creation of DHS following 9/11. The reform after 9/11 folded Immigration and Nationality Services programs into the new DHS, and divided these duties among several bureaus, further complicating coordination.[147,148,149,150,151,152] The lack of coordination is further exacerbated by increases in diversity, number of admissions and security concerns. As PRM's Deputy Assistant Secretary, Kelly Ryan, noted in testimony to the U.S. Senate in 2007, as the program increases in geographic scope, the process becomes more complex. As a result, the program continues to face "unanticipated logistical complications and political challenges."[153]

Key components of this issue to be covered in this section are:

- Conflicting priorities and objectives that reflect the lack of common understanding about the purpose and desired outcome of the program.

147 CRS, *U.S. Refugee Resettlement Assistance*.
148 Brick, "Refugee Resettlement."
149 Donald Kerwin, "Faltering U.S. Refugee Protection System: Legal and Policy Responses to Refugees, Aslyum Seekers, and Others in Need of Protection." Migration Policy Institute, 2011.
150 University of Washington, "Task Force 2010."
151 David Martin, *The United States Refugee Admissions Program, Reforms for New Era of Refugee Resettlement*, (Washington D.C.: Migration Policy Institute, 2005).
152 Adess, et al.,"Refugee Crisis in America."
153 U.S. Senate Special Committee on Aging, *Hearing on Health and Welfare Needs of Elderly Refugees and Asylees* by Kelly Ryan, 110th Congress, December 5, 2007.

- Information gaps that reflect the lack of sharing among participating agencies of pertinent information.

Conflicting priorities and objectives

Ives notes that the current program structure leads to "shifting responsibilities, confusion and lack of enforcement."[154] The division of program activities among the three participating federal agencies splinters program cohesion because each agency is structured differently and situated within a larger policy framework. As a result, each agency approaches the program from its individual context. This hinders the development of common program goals and objectives because of the lack of coordination to integrate the divergent contexts and perspectives of the participating agencies. Fundamental issues relating to resettlement are impacted negatively by this lack of shared understanding.

Contention surrounds the parameters of the program, including whether individuals in immediate need for protection should be prioritized for resettlement over individuals mired in long-term displacement. This contention spills over into budget allocations for domestic resettlement vis-à-vis overseas aid between ORR and DOS. Domestic resettlement funding is tailored for immediate protection, while overseas aid can address long-term displacement by developing the capacity of countries of first asylum to provide appropriate services to refugees within their borders, such as education.[155,156,157,158,159]

[154] Ives, "More than a 'Good Back'".
[155] University of Washington, "Task Force 2010."

An aspect of policy that is often cited as an illustration of the program's lack of coordination is the interpretation of the presidential determination. There is no shared understanding of the determination as a ceiling or goal. In other words, it is unclear if the admission levels are meant to limit the number of admissions, or provide a benchmark for admissions. Historically, admission numbers have fallen well below the determination, which many observers perceive as a program failure.[160] While these agencies are all in the federal executive branch, there seems to be little to no coordination among the agencies regarding the interpretation of the determination. [161,162,163]

Each of the three participating federal agencies views the program through the lens of its respective expertise. As such, DHS views the program in terms of security, and emphasizes the importance of properly screening applicants for criminal backgrounds. Given PRM's placement in the DOS, PRM emphasizes the utility of resettlement in foreign policy and as an illustration of "America's compassion for some of the world's most vulnerable people."[164] In contrast, ORR states its mission as:

> Founded on the belief that newly arriving populations have inherent capabilities when given opportunities, the Office of Refugee Resettlement

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[156] The Henry M. Jackson School of International Studies at the University of Washington formed a task force to review the resettlement program with the aim of producing recommendations to influence the NSC review, as well as legislative developments. Susan Martin, Executive Director of the Georgetown University Center for Immigration Studies presided over the group.
[157] Adess, et al.,"Refugee Crisis in America."
[158]Martin, *United States Refugee Admissions Program.*
[159] CRS, *U.S. Refugee Resettlement Assistance*.
[160] Brick, "Refugee Resettlement."
[161] University of Washington, "Task Force 2010."
[162] Brick, "Refugee Resettlement."
[163] Martin, *United States Refugee Admissions Program.*
[164] *Hearing on Health and Welfare Needs of Elderly Refugees and Asylees* by Kelly Ryan.

> … provides people in need with critical resources to assist them in becoming integrated members of American society.[165]

Thus, each agency views the objectives of the program differently, complicating coordination.[166,167,168]

The number and composition of admitted refugees is largely a calculus of political factors and foreign policy.[169] In the overseas process, PRM weighs the need of applicants for protection and DHS addresses security concerns. But, after arrival, refugees are judged by the benchmark of self-sufficiency. Noll and van Selm note that "while refugees are expected to find employment in the U.S., the employability of the applicant is not considered during the selection process."[170] In other words, the domestic expectations of the U.S. are not addressed during the selection process. The disconnection between overseas goals and domestic goals hinders the fulfillment of both. Without meaningful coordination, it is difficult to accommodate all these perspectives into the program.[171,172]

In addition to the fracturing of goals, in some cases the federal agencies pursue program objectives that conflict with the objectives of other stakeholders in the program. The School of International and Public Affairs at Columbia University report quotes one manager of a volag questioning the logic of the federal agencies pursuing objectives that

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165 Office of Refugee Resettlement, "Mission," Office of Refugee Resettlement http://www.acf.hhs.gov/programs/orr/about/mission.htm (accessed January 15, 2011).
166 Martin, *United States Refugee Admissions Program.*
167 Brick, "Refugee Resettlement."
168 University of Washington, "Task Force 2010."
169 Brick, "Refugee Resettlement."
170 Noll and van Selm, "Rediscovering Resettlement."
171 Noll and van Selm, "Rediscovering Resettlement."
172 Brick, "Refugee Resettlement."

hinder the success of resettlement on the local level. As PRM continues to increase the diversity of admissions, this change becomes counterproductive in terms of domestic social service concerns.[173] As the variety of languages and special needs expands, volags lose their economies of scale in providing case management and language assistance. The need for more staff capacity in translating further financially burdens volags and local affiliates.[174]

Given this context, it is unsurprising that PRM's Assistant Secretary of State reported "weak linkages between the State Department's initial reception and placement program and the long term services to refugees provided by the Department of Health and Human Services." [175] As of this writing, there does not appear to be any public information available about how this issue is being resolved.

Information Gaps

Coordination issues also create information gaps among participating agencies. These gaps negatively impact the ability of volags and local affiliates to adequately handle the needs of arriving refugees. Much of the information gained in the overseas process is not passed on to the domestic agencies. The case files created by OPEs and DHS are not provided to stakeholders further down the process. As a result, volags and local affiliates are unable to properly match refugee arrivals with agencies best suited to meet their needs. This lack of information also impacts the receiving communities in

[173] Brick, "Refugee Resettlement."
[174] Erol Kekic, letter to Scott Busby, September 11, 2009.
[175] Brick, "Refugee Resettlement."

terms of their capacity to absorb new arrivals. While local affiliates can ascertain this information after arrival, this causes duplication of upstream efforts. Additionally, in some medical cases, a lack of information can significantly impair the appropriate provision of services upon arrival. If a local affiliate is not given significant forewarning about the medical needs of a client, the agency is not able to leverage their resources and prepare for arrival. This issue is exacerbated by the increasing numbers of refugees resettled in rural areas and small towns, which often lack the medical infrastructure to properly care for refugees with serious medical conditions.[176,177,178,179]

Although OPEs submit projection reports regarding the anticipated number of arrivals, this report has historically not been shared with ORR, volags or local affiliates.[180,181,182] As of this writing, the reason for not sharing projection reports does not appear to be available. As part of the 2010 National Consultation on the resettlement program, PRM and ORR increased the number of reports shared with other actors (See Table 3).

[176] Brick, "Refugee Resettlement."
[177] CRS, *U.S. Refugee Resettlement Assistance*.
[178] Adess, et al.,"Refugee Crisis in America."
[179] Kerwin, "Faltering U.S. Refugee Protection System."
[180] Brick, "Refugee Resettlement."
[181] University of Washington, "Task Force 2010."
[182] Kerwin, "Faltering U.S. Refugee Protection System."

Table 5: Projection Reports 2010

Report name	Components	Volag	ORR	CDC	SRCs
Forecasting report	Information on refugees still overseas	X	X		X
Pipeline report	Tracks each affiliate's capacity as the fiscal year progresses (data transfers: biographic data, best interests determination and medical forms)	X			
Caseload report	Information on refugees overseas who are assured to an affiliate	X	X		X
Arrivals report	Information on each refugee case that arrived to an affiliate	X	X	X	X
Allocated cases data		X			

Source: U.S. Department of State, "Quartely Placement Panning Meeting," Bureau of Population, refugees and Migration, www.acf.hhs.gov/programs/orr/whatsnew/Quarterly_Refugee_Placement_Consultation.pptx (accessed March 15, 2011).

While this reform is promising, it is much too soon to evaluate its effectiveness as it was not implemented until late 2010.[183]

SERVICE DELIVERY

Another critique of the resettlement system relates to the provision of services after arrival. Service delivery is particularly salient for refugees because they are unlikely to access mainstream programs due to fear of authority and cultural and linguistic barriers.[184,185] Local affiliates often act as intermediaries between refugees and mainstream assistance programs.

[183] U.S. Department of State, "Quarterly Placement Panning Meeting," Bureau of Population, refugees and Migration, www.acf.hhs.gov/programs/orr/whatsnew/Quarterly_Refugee_Placement_Consultation.pptx (accessed March 15, 2011).
[184] University of Washington, "Task Force 2010."

However, the questionable performance of social services in helping refugees achieve self-sufficiency is well documented. Despite the domestic emphasis on self-sufficiency, research suggests that long-term self-sufficiency remains elusive to most refugees. [186,187,188,189] This issue is commonly cited as an unintended consequence of the emphasis on early employment for refugees. Early employment requires refugees to forgo educational opportunities or professional development, which can hinder long-term employment prospects. Some of the issues related to service delivery include:

- The 'lottery effect" refers to the importance of placement in the experience of a refugee following arrival.
- Lack of strategic placement is the system-wide neglect of planning and placement matching in the arrival of refugees.
- Resource strain refers to the burden of resettlement on state and local resources.

"Lottery effect"

Many analysts note that the experience of a refugee after arrival is largely determined by the capacity of the affiliate to which they are assigned, often referred to as the "lottery effect."[190,191,192] In particular, research indicates that refugees assigned to

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185 Abigail Sivan, et al., "Refugee Youth at Risk: A Quest for Rational Policy," *Children's Services: Social Policy, Research and Practice,* 2, no. 3 (2000): 139.
186 GAO, "Refugee Assistance."
187 Adess, et al.,"Refugee Crisis in America."
188 DHHS, "Refugee Economic Self-Sufficiency."
189 David Haines, "The Pursuit of English and Self-sufficiency: Dilemmas in Assessing Refugee Programme Effects," *Journal of Refugee Studies* 1(1988): 195.
190 University of Washington, "Task Force 2010."
191 Brick, "Refugee Resettlement."
192 CRS, *U.S. Refugee Resettlement Assistance*.

faith-based volags (such as USCCB, EMM, CWS and HIAS) have better outcomes than those assigned to volags with no faith affiliation. The differential in outcomes is hypothesized to be a result of the additional resources drawn from their religious members. For example, USCCB has a fully organized and mobilized network of parishes that provide additional support when needed.[193] A recent study by LIRS reveals that the prior R&P grant of $850 was spent before the arrival of a refugee in the U.S. As a result, LIRS estimates that local affiliates must provide an average of $3,228 in goods and services for each case resettled. For volags without substantial community resources, this burden is often insurmountable.[194] An additional benefit provided by faith-based volags is the community support provided by congregations. Refugees will often trust their fellow congregants before trusting their case managers, and are able to access resources (such as language classes) through their community.[195]

The "lottery effect" is particularly troublesome for vulnerable populations, such as elderly and disabled refugees, who are less likely to receive mainstream services and require additional resources.[196, 197] The larger issue brought to bear is the ability to provide for equitable treatment of all segments of the refugee community while adequately addressing the special needs of vulnerable populations.[198]

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[193] University of Washington, "Task Force 2010."
[194] Luthern Immigration and Refugee Service, "The Real Cost of Welcome," www.rcusa.org/uploads/pdfs/LIRS%20-%20The%20Real%20Cost%20of%20Welcome.pdf. (accessed: October 18, 2010).
[195] Brick, "Refugee Resettlement."
[196] University of Washington, "Task Force 2010."
[197] Women's Refugee Commission, "Disabilities among Refugees and Conflict-Affected Populations," http://womensrefugeecommission.org/docs/disab_res_kit.pdf (accessed: December 13, 2010).
[198] Brick, "Refugee Resettlement."

Two additional issues related to service delivery are the gaps in services and the short timeline for resettlement. There are significant gaps in services provided to refugees. Two prominent examples are mental health and childcare.[199] Both gaps significantly impact the long-term self-sufficiency of refugees. Refugees often present with a variety of mental health issues upon arrival in the U.S., including Post-Traumatic Stress Disorder (PTSD). These issues can act as a barrier to employment and long-term integration. The lack of childcare also hinders the ability to find employment, particularly for refugee women.[200]

Finally, ORR provides services for up to 8 months after arrival, but refugees are often still in need of services after 8 months. [201] As the University of Washington Taskforce notes, at the end of ORR programs, "refugees often become embroiled in poverty."[202]

Lack of strategic placement

Another issue that affects the ability of affiliates to provide appropriate services is the process of assigning refugees to volags and affiliates. While the process is alluded to in the Federal Code of Regulations and the Reception and Placement contract,[203] the exact criteria used is not described. Similarly, the GAO cites the use of certain criteria

[199] University of Washington, "Task Force 2010."
[200] University of Washington, "Task Force 2010."
[201] New Zealand Department of Labor, "Refugee Resettlement: A Literature Review," (Department of Labor, Wellington, 2008).
[202] University of Washington, "Task Force 2010."
[203] U.S. Department of State, Bureau of Population, Refugees, and Migration, "FY 2011 Reception and Placement Basic Terms of the Cooperative Agreement," http://www.grants.gov/search/search.do?mode=VIEW&oppId=54537 (accessed February 15, 2011)

and factors in the process, but never delineates these criteria.[204] Because the volag assignment makes a vital difference in the experience of refugees, this aspect is an important issue that warrants further investigation. This decision is further complicated because volags are not privy to the majority of information contained in DHS screening files and OPE case files.[205]

Internationally, the importance of placement and pre-arrival planning is widely accepted. A literature review of the processes used in resettlement programs in developed countries undertaken by the New Zealand Ministry of Labor finds that, across countries, pre-arrival planning and placement plays a pivotal role in ensuring positive outcomes after arrival. It also finds that the key player in the process is most commonly the central government.[206] Similarly, the UNHCR also notes the importance of the placement process in its publication, The Resettlement Handbook. While some of the difficulties faced by refugees in the U.S. are exclusive to the American context, the international guidelines are increasingly viewed as relevant and authoritative, particularly in light of the emphasis of the humanitarian aspect of resettlement. However, the U.S. has failed to incorporate these practices into its own program.

The UNHCR identifies the fundamental issue in placement as finding an appropriate match between the needs of resettled refugees and resources available in the receiving community.[207] This requires a prioritization of the needs of refugees and the

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[204] GAO, "Refugee Assistance."
[205] Martin, *The United States Refugee Admissions Program.*
[206] New Zealand Department of Labor, "Refugee Resettlement.
[207] United Nations High Commissioner for Refugees, *Refugee Resettlement. An International Handbook to*

receiving community. As the UNHCR notes, "the first placement site is particularly critical since this is the time when resettled refugees are more likely to need intensive formal and informal assistance."[208] In the U.S. system, however, the receiving community plays a very small role in the placement process. This lack of a formalized role, also noted in the U.S. Senate Foreign Relation Committee Report, makes the identification of an appropriate match more difficult.[209]

As the UNHCR notes, inappropriate placements can increase the likelihood of early secondary migration. Refugees may move to a new community after arrival to pursue resources. In addition to the disruption caused by moving, secondary migration is also expensive. Refugees lose access to ORR programs after migrating, and local communities are also negatively affected because secondary migration falls out of the bounds of their planning process. Communities do not factor in the possibility that refugees may travel to a new community.[210] The UNHCR recommends the involvement of refugees in the placement process.[211] The UNHCR lists the following factors related to refugees as important considerations in the placement process:

- Presence of friends and relatives in the receiving community
- Professional and family well-being
- Prior social conditions
- Employment skills and educational background

Guide Reception and Integration, http://www.unhcr.org/refworld/docid/405189284.html (accessed October, 11 2010).
[208] UNHCR, *Refugee Resettlement*, pg. 58.
[209] Senate Committee on Foreign Relations. *Abandoned Upon Arrival*.
[210] UNHCR, *Refugee Resettlement.*
[211] UNHCR, *Refugee Resettlement.*

- Whether they have special needs
- Language abilities
- Perceptions of safety[212]

The lack of transparency in the U.S. placement process makes it more difficult to appropriately place refugees.[213,214,215]

In response to the National Consultation of 2010, ORR and PRM have jointly developed, what is termed an "enhanced placement program" to attempt to help alleviate these issues. The program is designed to improve the placement process by providing increased communication among federal, state, volags and community-based partners. The improvement upon the previous system is that refugee needs are collectively assessed in order to improve placement decisions. Again, the lack of details and the recent implementation of the program (2010) make the assessment of the impact of the program difficult. Further, the program does not increase the transparency, as details or criteria are not publicly available at the time of this writing.[216]

Resource strain

Issues related to service delivery are compounded by the chronic underfunding by the federal government of all resettlement programs. Prior to the Obama Administration's increase in the funding for the R&P program, program funding had not been substantially

[212] UNHCR, *Refugee Resettlement.*
[213] Martin, *The United States Refugee Admissions Program*
[214] Brick, "Refugee Resettlement."
[215] University of Washington, "Task Force 2010."
[216] Quarterly Placement Planning Meeting

increased since 1980. As a result, R&P funding did not account for regional differences in cost of living or inflation.[217,218,219] A government-commissioned report in 2001 supports this perspective, estimating the optimal level of R&P funds between $1,552 and $1,844.[220] There does not appear to be studies on the optimal funding level for other programs associated with resettlement.

The University of Washington Taskforce also asserts that the funding mechanisms create perverse incentives. Because the performance of affiliates is based upon the employment of their clients, the agencies have an incentive to encourage clients to leave public programs prematurely. This can result in long-term negative repercussions to the long-term self sufficiency and integration of refugees.[221]

EVALUATION

Finally, a long-standing critique of the resettlement program is the lack of comprehensive or holistic evaluation.[222,223,224,225] The University of Washington Taskforce notes that an assessment of the program in the context of current trends and

[217] Erol Kekic, letter to Scott Busby, September 11, 2009.
[218] Senate Committee on Foreign Relations. *Abandoned Upon Arrival.*
[219] International Rescue Committee, "In Dire Straits: Iraqi Refugees in the United States," http://www.rescue.org/special-reports/iraqi-refugees (accessed: October 14, 2010).
[220] Institute for Social and Economic Development, "The Effects of the Septembers 11th Terrorist Attached on the U.S. Refugee Resettlement Program." 2002: 20.
[221] University of Washington, "Task Force 2010."
[222] Senate Committee on Foreign Relations. *Abandoned Upon Arrival.*
[223] Brick, "Refugee Resettlement."
[224] GAO, "Refugee Assistance."
[225] CRS, *U.S. Refugee Resettlement Assistance.*

issues is vital to enhancing integration and self-sufficiency in the refugee community.[226] As the task force argues,

> Our mechanisms for refugee admission and resettlement represent an imperfect response to the changing refugee needs of this new decade… We argue that the administration must reevaluate our refugee admissions and resettlement programs to ensure that our humanitarian goals are met.[227]

The following issues relating to evaluation will be discussed in this section:

- Efficacy of the resettlement program in achieving the goals of integration and self-sufficiency.
- Local impact of the program on receiving communities.

Efficacy

As noted earlier in this report, there is little evidence to document the impact of refugee resettlement assistance programs, particularly in the long term. The limited studies that have been conducted suffer from problems related to generalizability, because they rely heavily on Vietnamese and Bosnian refugees. As a result, it is unclear if these studies apply to refugees from other cultures.[228,229,230] Several analysts note that this gap results in the use of program models that lack documented efficacy.[231, 232,233]

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[226] University of Washington. "Task Force 2010."
[227] University of Washington. "Task Force 2010."
[228] Miriam Potocky-Tripodi, "Micro and Macro Determinants of Refugee Economic Status," *Journal of Social Service Research* 27 (2001): 33-60.
[229] Miriam Potocky-Tripodi,. "Predictors of Refugee Economic Status." *Journal of Social Service Research* 23 (1997): 41-70.
[230] Michelle Swearingen, "Does the U.S. Refugee Resettlement Program?"
[231] University of Washington. "Task Force 2010."
[232] GAO, "Refugee Assistance."
[233] CRS, *U.S. Refugee Resettlement Assistance*.

The emphasis on self-sufficiency results in the primacy of employment as a performance measure for resettlement. The performance of agencies and programs is judged by the percentage of refugees employed. However, this narrow measurement neglects the longer term implications of early employment. The underemployment of refugees is not measured, nor are indicators related to access to health insurance or wage increases. Additionally, no data are collected on integration indicators, such as the acquisition of English language skills, physical health or mental health. As a result, it is difficult to evaluate the impact of resettlement programs. [234,235,236]

This problem is compounded by government contracts. Nonprofits have increasingly relied on government contracts since the 1970's.[237] The dominant source of funding for nonprofits involved in refugee resettlement is the federal government. While religious organizations and foundations supply some supplemental funding, the overwhelming majority of funding comes via the federal government.[238] In resettlement, these contracts reflect a lack of effective competition, which leads to inefficiencies and questionable outcomes.[239,240]

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[234] University of Washington. "Task Force 2010."
[235] Brick, "Refugee Resettlement."
[236] Kerwin, "Faltering U.S. Refugee Protection System."
[237] Lester Salamon, "The Changing Context of American Nonprofit Management," In *The Jossey-Bass Handbook of Nonprofit and Management,* edited by Robert Herman and Associates. San Francisco, CA: Jossey-Bass, 2005.
[238] LIRS, "The Real Cost of Welcome."
[239] Stephen R. Smith, "Managing the Challenges of Government Contracts," in *The Jossey-Bass Handbook of Nonprofit and Management,* ed. Robert Herman and Associates, 371-390 (San Francisco, CA: Jossey-Bass, 2005).
[240] Lester Salamon, "The Changing Context of American Nonprofit Management".

In addition to the monetary dependency on funds, a paragon of expectations develops between local affiliates and the government, which Smith refers to as the "contract regime."[241] In this regime, local affiliates accept norms imposed by the federal government.[242] Rather than concentrating on the community of resettled refugees, the local affiliates seek approval from their primary funding source, in order to ensure the continued investment by the federal government. As a result, local affiliates emphasize the value of self-sufficiency, as defined by the percentage of clients employed. In pursuit of this value, agencies often neglect the barriers faced by refugees, such as childcare or language acquisition, because the federal government does not directly fund these activities. Thus, agencies are de-incentivized to provide supplementary activities that would aid in the adjustment of refugees and benefit the community. Instead, due to the dependence on the government and the need to secure a contract, nonprofit managers are expected to adjust to changes in need or client characteristics while still meeting federal government requirements and procedures. This is all the more troublesome because the federal government has not re-assessed resettlement since the 1980 Refugee Act.[243,244]

Contracting between nonprofits and the government is most effective when competition among various nonprofits allows the government to identify and fund the agency best equipped to provide services most effectively and with lower costs. Certain service types, such as substance abuse and addiction programs, require specialized

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[241] Stephen R. Smith, "Managing the Challenges of Government Contracts," in *The Jossey-Bass Handbook of Nonprofit and Management*, ed. Robert Herman and Associates, 371-390 (San Francisco, CA: Jossey-Bass, 2005).
[242] Stephen R. Smith, "Managing the Challenges of Government Contracts."
[243] Brick, "Refugee Resettlement."
[244] University of Washington. "Task Force 2010."

expertise that reduces the number of competitors. The field of refugee resettlement does not provide sufficient competition, partly due to the necessity of government cooperation to provide the services in a specific geographic location. Further, a basic requirement of nonprofits operating in resettlement is affiliation with a volag, and this requirement significantly reduces the number of actors in the sector. As a result, ORR has a limited number of options in awarding funds. In areas designated for resettlement there may only be one or two agencies with an affiliation with a voluntary agency. In urban areas with multiple refugee resettlement agencies, government contracts encourage the duplication of efforts with splintered resources. In cases of poor performance, ORR has little recourse, as there are few agencies to fund.

Local impact

A range of problems related to resettlement impact receiving communities. One example of this impact on receiving communities is the financial burden. Refugees arriving in the U.S. find sparse employment opportunities in the current economic climate. As a result, many refugees remain unemployed after the end of their federal government assistance programs, leaving them without the means to meet their basic needs. Additionally, given the underfunding of resettlement, state, county and local governments are often forced to provide the bulk of resources for resettlement. Local

governments also provide resources to refugees through social services and public assistance programs.[245,246,247,248]

An emerging concern is the increasing vulnerability of receiving communities to disease. Refugees are vulnerable to disease because of the conditions of refugee camps: overcrowding, extreme poverty, lack of sanitation, and lack of health care.[249] Refugees are given a medical exam overseas and within 90 days of arrival in the U.S. The overseas screening includes testing for HIV, syphilis, tuberculosis (TB), and other diseases considered "inadmissible." The Center for Disease Control (CDC) has regulatory power to bar the entry of refugees who pose a public health threat (diagnosed with an "inadmissible" disease). However, DHS can issue a waiver to allow the inadmissible refugee to enter the U.S. Although the CDC issues recommendations for pre-departure treatment, such as presumptive treatment for intestinal parasites and malaria, implementation is not uniform and depends on resources from other agencies. No vaccinations are required prior to arrival in the U.S.

As noted previously in this report, U.S. refugee resettlement has changed the composition of refugee admission in the last few decades. As a result, a large portion of refugees currently being resettled are arriving from countries with endemic malaria. Overseas screening often fails to identify refugees with sub-clinical malaria. A 2007 multi-state outbreak of malaria linked to Burundi refugees was a catalyst for the creation

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245 IRC, "In Dire Straits: Iraqi Refugees in the United States."
246 University of Washington. "Task Force 2010."
247 Brick, "Refugee Resettlement."
248 Senate Committee on Foreign Relations. *Abandoned Upon Arrival.*
249 William Stauffer and Michelle Weinberg, "Emerging Clinical Issues in Refugees," *Current Opinion in Infectious Diseases* 22 (2009):436.

of new recommendations. However, despite these new regulations, malaria continues to be a problem in receiving communities because of costs, drug-resistance and drug shortages. [250] A study of Liberian refugee children resettled in Minnesota showed that malaria was the most prevalent disease and affected 60% of Liberian children.[251]

One example cited by the U.S. Senate Committee on Foreign Relations is a tuberculosis outbreak in Indiana. Public health officials "stumbled" upon the outbreak, but the disease had already begun to spread. In FY 2011, PRM added a clause for affiliates to share relevant information with public health officials. However, the effectiveness of this vague clause remains unclear.

TB is another growing concern in receiving communities. Though TB is uncommon in the U.S., immigrants comprise a large proportion of diagnosed TB patients (41%). Approximately 19% of TB cases in the U.S. are associated with refugees.[252] In January 2011, Hmong refugees from Thailand were diagnosed with TB after arrival in the U.S. Researchers at the CDC found that the disease spread rapidly in the refugee community because of frequent social contact.[253]

Actors in the overseas process are often aware of outbreaks of disease in the camps, but do not relay this information to volags, affiliates or receiving communities.[254]

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[250] Stauffer & Weinberg, "Emerging Clinical Issues in Refugees."
[251] Stacene Maroushek, et al., "Malaria Among Refugee Children at Arrival in the United States," *The pediatric Infectious Disease Journal*, 24, no. 5 (2005): 450.
[252] Stauffer & Weinberg, "Emerging Clinical Issues in Refugees."
[253] John Oeltmann, et al., "Multidrug-Resistant Tuberculosis Outbreak among U.S.-bound Hmong Refugees, Thailand, 2005," *Emerging Infectious Diseases,* 14, no. 11 (2008): 1715.
[254] Martin, *The United States Refugee Admissions Program.*

In order to prevent an outbreak of infectious disease, public health experts have called for comprehensive treatment. [255,256,257]

[255] Elizabeth Barnett, "Infectious Disease Screening for Refugees Resettled in the United States," *Travel Medicine* 39, no. 15 (2004): 833.
[256] Paul Geltman and Jennifer Cochran, "A Private-Sector Preferred Provider Network Model for Public Health Screening of Newly Resettled Refugees," *Field Action Report* 95, no. 2 (2005): 196.
[257] Alfredo Vergara, et al., "A Survey of Refugee Health Assessments in the United States," *Journal of Immigrant Health,* 5, no. 2 (2003): 67.

Chapter 5: Recommendations

PROGRAM COORDINATION

Given the pivotal role of coordination in the U.S. refugee resettlement program, analysts have identified several strategies to address the problem including:

- Designating one federal agency as lead agency in the program with responsibility for coordination and information sharing;[258]
- Creating a new, independent refugee board;[259] and
- Re-establishing a national refugee coordinator as provided in the Refugee Act of 1980.[260]

Each strategy has distinct advantages and disadvantages.

Identifying one federal agency as the lead agency would improve the information sharing among program actors. However, this strategy is unlikely to address the more fundamental issues related to coordination. One of the largest issues is the lack of shared understanding among participants regarding the goals and priorities of the program. A lead agency would likely impose its perspective upon the other actors, rather than facilitating a collaborative approach to identify common goals. For example, if PRM were the lead agency, the dominant priority would become foreign policy. Since PRM prioritizes the funding of foreign assistance over domestic resettlement, it is likely that under its leadership funding would be shifted from domestic programs to programs

[258] CRS, *U.S. Refugee Resettlement Assistance*.
[259] Legomsky, "The Making of United States Refugee Policy."
[260] State Coordinators of Refugee Resettlement, Letter to Scott Busby, August 26, 2009.

overseas.[261] This would be unlikely to resolve the issues related to coordination, as other agencies would not share this perspective.

The advantage of designating a lead agency is that it requires a comparatively small investment of time and funding. Since the lead agency would already be active in the program, little additional investment would be needed for staff or training. The mechanism of designating this agency would be appointment by the President, which would avoid political logjams. Further, it avoids creating another agency that could further exacerbate the difficulty of coordination and information sharing.[262]

In contrast, an independent refugee board would require an act by Congress for establishment and would need an investment in staff and infrastructure to implement. This funding is particularly contentious in a system already severely underfunded. Legomsky argues that a refugee board would be the optimum actor to set admission levels and priorities because it would be relatively insulated from political concerns and lobbying by interest groups, who have historically played a prominent role in resettlement.[263] Additionally, a board would allow for the appointment of subject matter experts, which could improve refugee policy and program outcomes.

The disadvantage of the refugee board is that this new entity could potentially burden the program by further splintering responsibilities. While Legomsky envisions the board as independent and politically neutral, the appointment of members would inevitably become a political process.

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[261] Martin, *The United States Refugee Admissions Program*.
[262] CRS, *U.S. Refugee Resettlement Assistance*.
[263] Legomsky, "The Making of United States Refugee Policy."

A third strategy is to re-establish a national refugee coordinator, which is provided for in the Refugee Act of 1980, and was previously implemented. The national coordinator functions in a similar fashion as the state refugee coordinators, with responsibility for oversight of the entire program. The Refugee Act of 1980 mandates the coordination of regular meetings for all stakeholders for planning, determining needs and identifying resources.[264] The advantage to this strategy is that the legislative authority for the position already exists and it provides the program with holistic oversight.[265]

This report argues for the creation of a hybrid model for coordination. This model fuses the three proposed strategies together as a task force composed of agency representatives, subject matter experts and headed by a national refugee coordinator. This task force would ensure the long-term and short-term functioning of the program, with particular attention to outcomes and performance measurements. The task force would provide a role for local and county governments to influence the resettlement process to avoid undue local impact. [266,267]

A taskforce would provide a venue to improve communication and discuss challenges. As a result, the dialogue eliminates information silos and consequently, duplication. The response of agencies and other stakeholders would improve as goals align and best practices are shared across agencies.[268] Additionally, this body would be

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[264] Halpern, "Refugee Economic Self-Sufficiency."
[265] Doris Meissner and Donald Kerwin, "DHS & Immigration: Taking Stock and Correcting Course," www.migrationpolicy.org/pubs/DHS_Feb09.pdf (accessed: February 8, 2011).
[266] Senate Committee on Foreign Relations. *Abandoned Upon Arrival.*
[267] CRS, *U.S. Refugee Resettlement Assistance*.
[268] Claire Charbit and Maria Varinia Michalun, "Mind the Gaps: Managing Mutual Dependence in Relations Among Levels of Government," *OECD Working papers on Public Governance,* No. 14 (2009).

more suitable for quickly resolving crisis situations as it combines the deliberative nature of the legislative branch and the swift response of the executive branch.

The Organization of Economic Cooperation and Development (OECD) released a report addressing issues related to coordination among different levels of government. The task force model fits within the framework of OECD's integration mechanisms, which create an opportunity to increase coordination and improve the capacity of the different levels of government. These mechanisms also have the potential to create a critical mass of interest on an issue area, which leads to improved policy development.[269]

SERVICE DELIVERY

Problems related to service delivery are derived from a lack of pre-arrival planning, underfunding of assistance programs and the emphasis on quick employment. In order to address the lack of planning, the issues around coordination must first be resolved. Once coordination and information sharing are facilitated in the program, both volags and local affiliates will have greater access to information to better inform their placement decisions. This increased coordination will also help to alleviate the problems related to local impact. The formal role provided by a task force to state and local officials will provide the means for a two-way dialogue in which volags and receiving communities can communicate about the capacity for resettlement. This dialogue will place refugees with local affiliates and receiving communities better equipped to meet their needs.

[269] Charbit & Michalun, "Mind the Gaps."

Another important component in improving placement decisions is the development of a placement calculator. This calculator can be used to calculate the differences in cost of living in cities and regions across the U.S. This will allow funding formulas to more accurately reflect the cost of resettlement in a given community. It will also allow for adjustment to funding levels to account for inflation.[270] Providing funding that more accurately reflects the cost will also help to alleviate the impact on receiving communities. The placement calculator can also be used to estimate the potential wages to refugees in a specific area. This will improve the placement process by allowing for a better match between the needs of arrivals and the receiving community. For example, for refugees arriving with large families, placement in a region with higher wages is important for the refugee to achieve self-sufficiency.[271]

Another recommendation to improve outcomes of self-sufficiency is to return to the service mandates in the Refugee Act of 1980. The Refugee Act stipulated an eligibility period for refugee assistance programs (including Refugee Cash Assistance and Refugee medical Assistance) of 36 months. Since the passage of the Act, ORR has decreased this period to 8 months. The Refugee Act has legislative authority to encourage early self-sufficiency; however, it does not contain language specifically defining the assistance programs provided as refugee integrate. Returning to the 36 months eligibility period will improve the self-sufficiency of refugees. In particular, this will allow for more flexibility in the array of services provided to refugees, which is particularly important

[270] Erol Kekic, letter to Scott Busby, September 11, 2009.
[271] DHHS, "Refugee Economic Self-Sufficiency."

for special needs populations. Prolonged eligibility will remove the impetus for early employment at the cost of longer term concerns, such as education, English language skills, and converting existing credentials.[272,273,274]

EVALUATION

In order to improve the efficacy of the resettlement program, enhanced evaluation is needed to determine the impact of refugee assistance programs. The national refugee coordinator and taskforce would be ideal to identify performance measures beyond the current measures for employment. Other possible measures would include elements crucial to integration, such as English language skills, mental health, and physical health, among others. Additionally, the taskforce could provide a framework for continuous evaluation and long-term measures. Rather than focusing only on the first 90 or 180 days, the taskforce could track performance measures long-term.

Oversight for the audits of local affiliates is another crucial mandate for the taskforce. Providing oversight will ensure quality audits of participating affiliates and volags and allow the taskforce to develop a more comprehensive picture of the quality of services across agencies. This would allow the taskforce to identify potential problems and consider alternatives prior to an acute crisis. For example, if a local affiliate is consistently performing poorly on audits, the taskforce can begin to identify possible strategies to address the problem or alternative agencies in the area. This would make

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[272] Madeleine Tress, "Refugees as Immigrants: Revelations of Labor Market Performance." *Journal of Jewish Communal Service* (Summer 1996).
[273] Erol Kekic, letter to Scott Busby, September 11, 2009.
[274] DHHS, "Refugee Economic Self-Sufficiency."

audits more meaningful as the government could more easily hold agencies accountable for their failures.

Finally, the taskforce would be an ideal entity to monitor the health related issues of resettlement. The national coordination would have a broader view of the resettlement program, and the ability to track infectious diseases more easily. With assistance from the CDC, the taskforce would also facilitate the sharing of information across both international and domestic partners to ensure that outbreaks or potential outbreaks of disease are adequately addressed.

CONCLUSION

Refugee resettlement is complex and, if handled improperly, the program can negatively affect both refugees and receiving communities. Resettlement requires the integration of several levels of support to address the challenges refugee face after arrival, such as navigating language barriers, finding employment and integrating into American culture. However, often refugees are faced with supporting his or her family on a low-wage job in neighborhoods rife with crime. This cycle of poverty negates the return on the American taxpayers' investment in the human capital of resettled refugees.

The core issues that impair the program functioning include coordination, service delivery and evaluation. These broad challenges create a system of gaps and duplicated services. Among the gaps in service in the program are the lack of mental health services, English language skills, childcare, educational opportunities and validation of foreign credentials.

Additionally, the allocations provided to VOLAGS per capita refugee by ORR are often insufficient to meet all the needs refugees require. As a result, refugees are referred to agencies that receive funds in a more personnel intensive basis (in contrast to the per capita refugee method by which resettlement agencies are funded). Refugees become trapped in a cycle of referral from agency to agency in search of services.[275]

From its inception, the United States refugee resettlement program has followed a typology that emphasizes both large volumes of refugee intake as well as economic adaptation. In this vein, services and provisions are provided on only a short-term basis. The end goal of the services and provisions is to promote self-sufficiency among new arrivals. Any service that does not relate to employment or the job market is seen as a distraction from the refugee attaining self-sufficiency and becoming a productive member of society.[276]

In the current system, consideration of cultural acquisition and language acquisition is considered secondary to the goal of securing employment. The resettlement system assumes that such necessities will be acquired at the workplace through the interactions with colleagues and peers. In other words, the development of language skills

[275] Michael Lanphier, "Refugee Resettlement: Models in Action." *International Migration Review* 17, no. 1 (1983): 4-33.
[276] Lanphier, "Refugee Resettlement."

and cultural adjustment will be accomplished in the course of other remunerative activities.[277]

Refugee resettlement policies need to shift towards a more long-term and sustainable model in order to maximize the resources available. Rather than funding services and programs that emphasize short-term integration of new arrivals, policies need to shift towards thinking in terms of the long-term goals of refugees. These long-term goals include those such as language acquisition and cultural adjustment. While the attainment of employment is still important, more should be done to match jobs with the skills and abilities of refugees. Further, policies should recognize that at times the best interest of the refugee is served by completing an educational or vocational track before entering the job market. Thus, in lieu of the goal of self-sufficiency, the goal of fulfilling the human potential of the new arrivals would be more effective.

The following are lingering questions that can guide further research:

- How significant is the influence of lobby groups on the selection of refugees for admission?
- What criteria best leverage the U.S. investment in resettlement? What is the appropriate balance between need for protection and potential for self-sufficiency?
- Given the current economic climate and the underfunding of resettlement, what admission ceilings would maximize the resettlement program?

[277] Lanphier, "Refugee Resettlement."

- How can the perspectives of refugees best be integrated into the program?
- How relevant is the 1951 definition, given the current political climate and the trends in displacement?
- Is foreign assistance for the development of health and education infrastructure in refugee camps more effective than resettlement?

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